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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,566	10/29/1999	LAURENCE WAYNE CLARKSON	7000-044	8874

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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/431,566

Applicant(s)

CLARKSON ET AL.

Examiner

HUNG Q PHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/27/2003 has been entered. As indicated in the request for continued examination, applicants canceled claims 1-11, 13-17, 22-30, and 32-46, added new claims 44-70. Thus, the pending claims are 47-70.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**3. Claims 47-49, 51-62, and 64-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inniss et al. [USP 5,539,808].**

Regarding to claims 47 and 59, Inniss teaches a method and system for enhancing the processing of audio messages (Abstract). As shown in FIG. 2 is the process of creating a selectable audio message such as a spoken salutation, which identifies the originator and his or her telephone number or address. At the end of the process, illustrated by block 46, an audio message with associated attributes could be created by a user to update the user's configuration repository (Col. 4, lines 1-61), which indicates *a centralized database comprising a plurality of audio segments, said audio segments comprising announcements to be played to the end user of the telecommunication network*. As shown in FIG. 3 is the process of creating and distributing of a primary message in association with a designated selected audio message. At block 56, a user designates selectable audio messages from configuration repository to append to primary audio message, and the designated selectable audio messages are appended to primary audio message at step 60. The process then passes to block 66, which depicts a distribution of a data stream, which includes the primary message, the

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designated selectable audio messages and the digital representation (Col. 4, line 62-Col. 6, line 6). This process indicates *an audio package builder/export tool adapted to access the centralized database; construct an audio package from audio segments in the centralized database; and export the audio package*. Inniss does not explicitly teach the audio package builder/export tool adapted to *construct an index file within the audio package that indicates to the gateway where in the audio package an audio segment may be located*, and a gateway is the recipient of the audio message. However, as shown in FIG. 4, the process begins at block 76 and thereafter passes to block 78, which illustrates the receipt of a distribution by a recipient. The process then passes to block 80, which depicts the conversion of the distribution into an audio format from a digital format utilized for storage and transmission. Block 86 depicts a determination of whether or not the recipient desires to request a search in the correlation repository of the originator of the primary message. The term "correlation repository" means a repository, which contains the primary message and selectable audio messages associated with that particular primary message. The process passes to block 88, which illustrates the creation of a search request by the recipient to retrieve the description attributes associated with the particular primary message. This search request may be made by depressing a key or combination of keys of telephone 16 of FIG. 1 or by utilizing an associated computer 12. As shown in FIG. 7 is a data stream 172, which includes a selectable audio message at reference numeral 176, a second selectable audio message at reference numeral 178, a third selectable audio message at reference numeral 180, a primary message at reference numeral 182 and a fourth selectable

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audio message at reference numeral 184. A digital representation of an identification of the originator may also be coupled to and made a part of the data stream illustrated at reference numeral 172 such that the recipient of data stream 174 may be able to listen to the message and thereafter request a search of the originator correlation configuration repositories as described above (Col. 6, line 7-Col. 9, line 52). Thus, data stream 172 indicates *an index file within the audio package that indicates to the recipient where in the audio package an audio segment may be located*. In addition, as disclosed by Inniss, the network 18 within the data processing 10 as in FIG. 1 may be utilized to perform a variety of other functions (Col. 3, lines 30-61), and obviously, the audio message as discussed above could be transferred to *a gateway* as a recipient. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by including the step of constructing an index file and the recipient is a gateway, by doing this, an audio message could be searched, retrieved by a recipient such as gateway.

Regarding to claims 48 and 61, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *a catalog file within the audio package, said catalog file comprising information selected from the group consisting of: announcement title, phrasing, prompt text, voice talent, language, code, format, group, release notes, check data, and date recorded* (FIG. 6-7).

Regarding to claims 49 and 62, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss fails to disclose: *index file is adapted to map audio identifier of the audio segment to an offset and length of the audio segment within the audio package*. However, as shown in FIG. 2, associated attributes within a selectable audio message could be created at block 38, and as shown in FIG. 7 is the data stream, which functions as an index file. Thus, an offset and length of the audio segment could be mapped by an attribute such as an identifier in the index file for locating an audio segment. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss structure by including the technique of using offset value to locate the audio segment in order to search and retrieve indexed information in an index file.

Regarding to claim 51, Inniss teaches all the claimed subject matters as discussed in claim 47, but fails to disclose: *the system is adapted to operate on a provisioning server*. However, as shown in FIGS. 1-2, computer 12 is designated to receive and transmit audio messages to recipient at another location within network 18. This indicates a provisioning server. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by using computer 12 as a provisioning server in order to transmit audio messages to recipient at another location.

Regarding to claims 52 and 64, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio segments comprises a unique audio identifier* (FIG. 6, Col. 9).

Regarding to claims 53 and 65, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package builder/export tool is further adapted to present a graphical user interface to a user such that the user may select audio segments to be placed in the audio package* (FIG. 6, Col. 9).

Regarding to claims 54 and 66, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss fails to disclose: *audio segments file comprises a subset of the audio segments in the centralized database*. However, a folder to contain files that have the same characteristics for categorizing data within a data store is well known in the art such as the Window 95 file system. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by using folder for containing audio files in order to categorize audio file in an audio database.

Regarding to claims 55 and 67, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses the technique of *adding audio segments to the audio package* (FIG. 3). Inniss does not teach the technique of *deleting audio segments from the audio package; and locking the audio package*. However, deleting



and locking a file is a well known technique in the art as in the Window 95 file system. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by including the technique of deleting and locking audio segments from the audio package in order to have a user friendly system.

Regarding to claims 56 and 68, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package builder/export tool is further adapted to track a version number of any audio packages created with the audio package builder/export tool* (Col. 5, lines 35-53).

Regarding to claims 57 and 69, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package builder/export tool is further adapted to export the audio package to the gateway by preliminarily exporting the audio package to an intermediary storage location within a provisioning server* (Col. 5, lines 35-53).

Regarding to claims 58 and 70, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: *audio package builder/export tool is further adapted to export the audio package to the gateway by exporting the audio package to a portable computer readable storage medium* (FIG. 1).

Regarding to claim 60, Inniss teaches all the claimed subject matters as discussed in claim 59, Inniss further discloses the step of *provisioning the centralized database with audio segment* (FIG. 2).

**4. Claims 50 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inniss et al. [USP 5,539,808] in view of Anderson et al. [USP 6,064,673].**


Regarding to claims 50 and 63, Inniss teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss fails to disclose: *audio package bolder/export tool exports the audio package to the gateway over a packet based network*. Anderson teaches a communication system and method that provide distributed control and real-time bandwidth management over a packet based network (Anderson, Col. 2, lines 30-41). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by exporting the audio package over a packet based network in order to have a quality real-time communication.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham  
March 4, 2003



JEAN M. CORRIELUS  
PRIMARY EXAMINER